

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

PERCY GREEN III, *et al.*,)
)
Plaintiffs,)
)
vs.) Case No. 4:15-cv-01433-RWS
)
CITY OF ST. LOUIS,)
)
Defendant.)

SECOND AMENDMENT TO SETTLEMENT AGREEMENT

Plaintiffs Percy Green, III, Abe Pruitt, Jr., and The Firefighters Institute for Racial Equality (“F.I.R.E.”, jointly, “FIRE”) and defendant the City of St. Louis (“City”) hereby amend their Settlement Agreement dated August 2017 as follows:

WHEREAS, the August 2017 Settlement Agreement provided that if the City used oral board exercises scored by assessment panels, then each would have four members, two of whom are Black, and that the scoring difference between the members of the panel would not exceed two points on a 9 or 10 point scale; and

WHEREAS, the City, after meeting and conferring with FIRE and the International Association of Fire Fighters Local 73, believes it may have difficulty assembling four-member assessment panels for the exam it wishes to administer in the first half of 2024, but will make every effort to do so, and has for that reason asked for relief from this provision of the 2017 Settlement Agreement to allow it to use two-member assessment panels if needed; and

WHEREAS, FIRE is willing to accommodate the City on this issue for a single

Exam set (Fire Captains and Fire Battalion Chiefs Exams), so long as the racial parity of the assessment panels are maintained;

IT IS HEREBY AGREED AS FOLLOWS:

Article First: Section 7(d) of the Settlement Agreement is temporarily suspended and replaced with the following, but only for the first Fire Captain and Fire Battalion Chief Exams given under this Settlement Agreement, and only if such exams are given in calendar year 2024, and only if the City states in writing to FIRE that it is not reasonably able to assemble four-member panels:

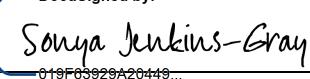
(d) If oral board exercises are used and scored by assessment panels, whether in person or by audio or video conference, each panel will have two members, one of whom will be Black. The other member of each assessment panel will not be Black. The two assessors' scores awarded to a candidate on any assessed ability of an oral board exercise may not vary from each other by more than one point (assuming a nine-point or ten-point scale). If a greater variance exists, the two assessors will confer with each other, outside of the presence of any candidate, and one or more of the assessors will adjust their score(s) so that there is no longer a scoring difference of more than one point between them on any assessed ability of the oral board exercise.

Article Second: All other provisions of the Settlement Agreement as previously amended remain in full force and effect. To the extent that any other provision of the Settlement Agreement is irreconcilably inconsistent with this Amendment, the terms of this Amendment will control.

Article Third: Upon full execution of this Amendment by the parties, the parties will file a copy of this Amendment in the case and court captioned above so that the Settlement Agreement as Amended is available to the public.

So agreed as of this 6.00 day of February 2024.

The City of St. Louis

By: 
Sonya Jenkins-Gray
Director of Personnel

By: 
Sheena Hamilton
City Counselor

The Firefighters Institute for Racial Equality

By: 
Percy Green, III
President

By: 
Percy Green, III
Individually

By: 
Abram Pruitt, Jr.
Individually

By: 
Joe D. Jacobson
Attorney for FIRE